

REMARKS

Claims 1-5 are pending in the above-identified application. Claims 1-5 were rejected. With this Amendment, claims 1 and 5 were amended to correct for cosmetic informalities and not to distinguish over any cited prior art reference. Accordingly, claims 1-5 remain at issue in the above-identified application.

III. 35 U.S.C. § 102(e) Anticipation Rejection of Claims

Claims 1-5 were rejected under 35 U.S.C. 102(e) as being unpatentable over Kubo et al., U.S. Patent 6,456,279. Applicant respectfully traverses this rejection.

With respect to independent claim 1, Applicants claim a display apparatus that has at least the following limitations:

*an interlayer insulation film provided on said substrate so that the interlayer insulation film covers the recesses and projections of said substrate; and
a display device provided on said interlayer insulation film, wherein
said interlayer insulation film comprises:
a flattening insulation layer made from an organic compound-containing material and formed so that said flattening insulation layer embeds said recesses and projections; and
a coat layer consisting of an inorganic material and formed so that the coat layer covers the surface of said flattening insulation layer.*

Applicant teaches that the organic flattening insulation film of this claim 1 display apparatus embeds the recesses and projections of the substrate that are formed by the patterning of wiring on the substrate to obtain a uniform flatness, so that the display device (e.g., an organic El device) has uniform display characteristics. (See Application at pg. 4 lines 4-17; pg. 5 lines 1-12; pg. 11 lines 4-11). Applicant further teaches that, by forming the inorganic coat layer so that it covers the flattening insulation layer, the coat layer functions (among other things) as a barrier against gas components (for example, water vapor) released from the flattening insulation layer,

making it possible to prevent the deterioration of the display device due to moisture absorption during production and long-term use of the claim 1 display apparatus. (See Application at pg. 23 lines 6-23).

Applicant submits that the Examiner has not clearly articulated how or where Kubo discloses each and every limitation of independent claim 1. See MPEP §706. In particular, the Examiner simply identifies that Kubo discloses a liquid crystal display device in Figures 11 and 12 that allegedly discloses all the limitations of claim 1. Applicant respectfully requests that the Examiner identify which components of the Kubo liquid crystal display device in either Figure 11 or 12 anticipate the limitations of claim 1 so that Applicant may reply more completely as to the patentability of the rejected claims.

In *arguendo*, Applicant assumes that the Examiner intended to identify that the Kubo liquid crystal display device has a protective film PSV1 (depicted in Figure 12 of Kubo) that corresponds to the “flattening insulation layer” limitation of the Claim 1 display apparatus. But Kubo does not teach or suggest that PSV1 is a flattening layer as taught and claimed by the Applicant. Moreover, there is not an upper layer formed on the PSV1 layer to cover the PSV1 layer; Kubo discloses that the PSV1 layer is either a pixel electrode (i.e., wiring) or a first alignment film, but not a coat layer having inorganic material as taught and claimed by the Applicant. Thus, Applicant submits that Kubo fails to teach each and every limitation of Claim 1 and requests that the rejection to this claim be withdrawn.

Claims 2-5 depend from Claim 1 and should be deemed allowable for at least the same reasons as Claim 1.

In addition, Applicant respectfully requests consideration of new Claim 6 to further distinguish Applicant's invention. As described in the specification, the coat layer of Claim 1 has a gas barrier property for restraining the release of gas from the flattening insulation layer. (See Application at pg. 8 line 20 - pg. 9 line 3; pg. 23 lines 6-23).

CONCLUSION

In view of the above amendments and remarks, Applicant submits that all claims now pending are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect. If the Examiner believes that a conference would be of value in expediting the prosecution of this application, the Examiner is invited to telephone the undersigned counsel to arrange for such a conference.

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Respectfully submitted,

By: 

Thomas J. Burton
Registration No. 47,464
SONNENSCHN NATH & ROSENTHAL
P.O. Box 061080
Wacker Drive Station, Sears Tower
Chicago, Illinois 60606-1080
(312) 876-8000